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SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

**THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 9, 2010**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Danica Lupton, Page.

Approval of Journal

February 9, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 8, 2010

Mr. Speaker:

I transmit herewith [S 1294](#) which has passed the Senate.

WOOD, Secretary

[S 1294](#) was filed for first reading.

February 8, 2010

Mr. Speaker:

I return herewith [H 379](#) which has passed the Senate.

WOOD, Secretary

[H 379](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 9, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 487](#), [H 488](#), [H 489](#), [H 490](#), [H 491](#), and [H 492](#).

CLARK, Chairman

[H 487](#) was referred to the Business Committee.

[H 488](#), [H 489](#), and [H 490](#) were referred to the Revenue and Taxation Committee.

[H 491](#) and [H 492](#) were referred to the State Affairs Committee.

February 9, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 406](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 406](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 8, 2010

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 456](#) and recommend that it do pass.

TRAIL, Chairman

[H 456](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 39 BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE HEALTH QUALITY PLANNING COMMISSION WITHIN THE DEPARTMENT OF HEALTH AND WELFARE TO STUDY STROKE SYSTEMS OF CARE IN IDAHO AND DEVELOP A PLAN TO ADDRESS STROKE IDENTIFICATION AND MANAGEMENT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, every year about 700,000 Americans suffer stroke, and 150,000 die. Many of the survivors have severe neurologic damage; and

WHEREAS, the economic cost of stroke in the United States is estimated at \$63 billion for 2007. The cost to Idaho and its citizens is estimated at hundreds of millions of dollars; and

WHEREAS, almost one-quarter of the current Medicaid Budget is spent on chronic costs of disabled seniors, much of that for the assistance required for stroke victims; and

WHEREAS, areas that have organized systems of stroke care, including prevention, aware and informed citizens, well-trained and coordinated emergency medical services for rapid prehospital care, protocols of care with smooth transition between rural hospitals and medical centers have better survival and less morbidity from stroke.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Health Quality Planning Commission within the Department of Health and Welfare is encouraged to study stroke systems of care in Idaho and develop a plan to address stroke identification and management.

[HCR 39](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 493
BY EDUCATION COMMITTEE**
AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1620, IDAHO CODE, TO PROVIDE FOR A MASTERY ADVANCEMENT PILOT PROGRAM; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1621, IDAHO CODE, TO PROVIDE FOR PROGRAM PARTICIPANTS; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1622, IDAHO CODE, TO PROVIDE FOR CERTAIN ASSESSMENTS; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1623, IDAHO CODE, TO PROVIDE FOR A MASTERY ADVANCEMENT SCHOLARSHIP, TO PROVIDE CERTAIN REQUIREMENTS, TO PROVIDE FOR CONCURRENT ENROLLMENT OR ADVANCED PLACEMENT CLASSES, TO PROVIDE PROVISIONS RELATING TO A CERTAIN SCHOLARSHIP, TO PROVIDE FOR CERTAIN REPORTS, TO PROVIDE FOR CERTAIN SAVINGS, TO PROVIDE FOR REPORTS AND TO DIRECT COLLABORATION; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1624, IDAHO CODE, TO PROVIDE FOR RULES.

**HOUSE BILL NO. 494
BY HEALTH AND WELFARE COMMITTEE**
AN ACT

RELATING TO HEALTH CARE PLANNING; AMENDING SECTION 56-1054, IDAHO CODE, TO REVISE DUTIES OF THE COMMISSION RELATED TO HEALTH INFORMATION TECHNOLOGY PLANNING, TO PERMIT THE COMMISSION TO USE DATA FROM OTHER SOURCES, TO PROMOTE HEALTH AND PATIENT SAFETY PLANNING, TO REVISE THE DUTIES OF THE COMMISSION RELATED TO HEALTH QUALITY AND PATIENT SAFETY PLANNING; AND REPEALING SECTIONS 2 AND 3, CHAPTER 364, LAWS OF 2008, THAT IS A SUNSET CLAUSE.

**HOUSE BILL NO. 495
BY HEALTH AND WELFARE COMMITTEE**
AN ACT

RELATING TO CHILDHOOD IMMUNIZATION; AMENDING CHAPTER 48, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4805, IDAHO CODE, TO PROVIDE FOR THE CHILDHOOD IMMUNIZATION POLICY COMMISSION; AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 496
BY STATE AFFAIRS COMMITTEE**
AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1106, IDAHO CODE, TO PROVIDE THAT EACH ELECTOR SHALL SHOW A PHOTO IDENTIFICATION OR PERSONAL IDENTIFICATION AFFIDAVIT BEFORE RECEIVING A BALLOT; AMENDING CHAPTER 11, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1113, IDAHO CODE, TO PROVIDE THAT ALL VOTERS SHALL BE REQUIRED TO PROVIDE CERTAIN PERSONAL

IDENTIFICATION AT THE POLLS OR AT THE ABSENT ELECTOR POLLING PLACES; AND AMENDING CHAPTER 11, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1114, IDAHO CODE, TO PROVIDE FOR AN AFFIDAVIT IN LIEU OF PERSONAL IDENTIFICATION.

**HOUSE BILL NO. 497
BY STATE AFFAIRS COMMITTEE**
AN ACT

RELATING TO EMPLOYMENT OF UNAUTHORIZED ALIENS; TO PROVIDE LEGISLATIVE FINDINGS; AMENDING SECTION 18-3001, IDAHO CODE, TO PROVIDE FOR A MISDEMEANOR AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 30, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3001A, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO WILLFULLY DESTROYS, ALTERS, FALSIFIES OR COMMITS THE THEFT OF CERTAIN PUBLIC DOCUMENTS FOR CERTAIN PURPOSES SHALL BE GUILTY OF A MISDEMEANOR OR FELONY; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 4, TITLE 44, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROHIBIT EMPLOYMENT OF UNAUTHORIZED ALIENS, TO PROVIDE PROVISIONS RELATING TO THE FILING AND INVESTIGATION OF A COMPLAINT, TO PROVIDE FOR A MISDEMEANOR RELATING TO THE FILING OF A FALSE OR FRIVOLOUS COMPLAINT, TO PROVIDE THAT AN ACTION SHALL BE BROUGHT IN A CERTAIN COUNTY, TO PROVIDE FOR AN EXCEPTION, TO PROVIDE PROVISIONS RELATING TO FINDING A VIOLATION OR VIOLATIONS, TO PROVIDE PROVISIONS RELATING TO DETERMINING WHETHER AN EMPLOYEE IS AN UNAUTHORIZED ALIEN, TO PROVIDE FOR JUDICIAL NOTICE, TO PROVIDE FOR AN AFFIRMATIVE DEFENSE AND TO PROVIDE FOR AN ABSOLUTE DEFENSE; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3035D, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO NOTICE FROM THE STATE TAX COMMISSION TO CERTAIN EMPLOYERS; AND PROVIDING SEVERABILITY.

[H 493](#), [H 494](#), [H 495](#), [H 496](#), and [H 497](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1294](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[S 1292](#) and [S 1293](#), by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [HJM 10](#) be placed at the top of the Third Reading Calendar followed by [H 391](#), as amended, [HCR 36](#), and [HRC 37](#). There being no objection, it was so ordered.

[HJM 10](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [HJM 10](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared [HJM 10](#) adopted and ordered the memorial transmitted to the Senate.

[H 391](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark and Mr. Luker to open debate.

The question being, "Shall [H 391](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jarvis, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd(08), Shirley, Simpson, Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 52.

NAYS – Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Higgins, Jaquet, Killen, King, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Shepherd(02), Smith(30). Total – 18.

Total – 70.

Whereupon the Speaker declared that [H 391](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 10, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:29 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk